

INNERCORE-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION TO REISSUE :
 U. S. PATENT NO. 5,944,617 :
 :
 ISSUED: August 31, 1999 :
 :
 PATENTEES: THOMAS FALONE, ET AL.:
 :
 SERIAL NO.: 08/868,357 :
 :
 FILED: JUNE 3, 1997 :
 :
 TITLE: VIBRATION ABSORBING :
 MATERIAL FOR HANDLES :
 OF SPORTING EQUIPMENT:

BOX REISSUE

Hon. Commissioner of Patents and Trademarks
 Washington, D.C. 20231

I hereby certify that this paper and/or fee and any attachment thereto are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to BOX REISSUE Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231

Express Mail No.: E# 34997245545Date: 7-27-01By: *DiMario*

**REISSUE PETITION, DECLARATION
 AND POWER OF ATTORNEY**

1. We, Thomas Falone, Richard S. Wyerman and Carmen DiMario, as the below named inventors, hereby declare we are residents of 9 Still Run Drive, Mickleton, NJ 08056 and 3 Steeplechase Drive, Doylestown, PA 18901, and 1851 Huntsman Lane, West Chester PA 19382, respectively, and we are all United States citizens.

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2. We believe we are the original, first and joint inventors of the subject matter which is described and claimed in the above identified United States Patent, and for which a reissue patent is here sought, the specification of which is attached hereto.

3. We have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment presented in the above specification.

4. We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a).

5. We hereby request that we may be allowed to surrender and do hereby assent to surrender the above identified Patent and request that the Patent be reissued.

6. We verily believe that the above identified patent may be partly inoperative because various features referred to in the specification of the patent and which are described in greater detail in parent patent 5,653,643 have not been described in the same detail in the specification of the above identified patent and have not been claimed. Specifically, the specification of the above identified patent incorporates by reference all of the disclosure in parent patent 5,653,643. Among those features which are incorporated by reference, but which have not been described other than by reference and which have not been claimed in the above identified patent are having the vibration absorbing material being in the form of flexible tape wrapped around the gripping area of a handle. Such feature is illustrated in Figure 8 of parent patent 5,653,643. The present reissue application adds a corresponding Figure 20 and its description from the parent patent. Claims 28-34 added to this reissue

application are also generally directed to that feature. Another feature described in the parent patent 5,654,643 which had not been specifically described and claimed in the specification of the above identified patent is the use of the vibration absorbing material within a hollow shaft or handle. The specification of the above identified patent has been amended to refer to that feature. Claims 35-39 are generally directed to that feature. A further feature described in the parent patent 5,653,643 and incorporated by reference in the above identified patent is the use of the vibration absorbing material being applied to athletic pads such as shoulder pads. That feature is now recited in the amendments to the above identified patent and is generally claimed in claims 40-42. A further feature which is illustrated in the above identified patent, but not described in words and was not claimed is that the composite vibration absorbing material and the inner core taper in diameter from one end to the other. The above identified patent has been amended in its word description to refer to what is illustrated and claims 43-46 have been added generally directed to that feature.

7. Because features now being claimed were the joint invention of patentees Falone and Wyerman of the above identified patent and of Carmen DiMario who was a co-patentee in parent patent 5,653,643, Carmen DiMario is a co-applicant in this reissue application. The failure to include Carmen DiMario as an inventor in the above identified patent was without any deceptive intention.

8. All of the alleged errors corrected in this reissue application arose without any deceptive intention on the part of the applicants. We first became aware of the alleged errors

as a result of a review of the various patents owned by the assignee Pendulum Corp., in connection with internal changes made at Pendulum Corp. and an evaluation of its patents.

9. As the named inventors, we hereby appoint the following attorneys or agents to prosecute and to transact all business in the Patent and Trademark Office connected therewith: Rudolf E. Hutz, Reg. No. 22,397; Harold Pezzner, 22,112; Richard M. Beck, Reg. No. 22,580; Paul E. Crawford, Reg. No. 24,397; Mary W. Bourke, Reg. 30,982; Robert G. McMorro, Reg. No. 30,962; William E. McShane, Reg. No. 32,707; Ashley I. Pezzner, Reg. No. 36,646; Gerard M. O'Rourke, Reg. No. 39,794; Francis DiGiovanni, Reg. No. 37,310, all of P. O. Box 2207, Wilmington, Delaware 19899-2207, as my attorneys with full power of substitution and revocation.

10. Direct all further correspondence and communications to:

Harold Pezzner
CONNOLLY BOVE LODGE & HUTZ, LLP
1220 Market Street
P. O. Box 2207
Wilmington, DE 19899
Tel: (302) 658-9141
Fax: (302) 658-5614

11. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name: THOMAS FALONESignature: Thomas FaloneResidence: 9 Still Run Drive
Mickleton, NJ 08056Post Office Address: same as aboveCitizenship: United StatesDate: 7-18-01Full Name: RICHARD S. WYERMANSignature: [Signature]Residence: 3 Steeplechase Drive
Doylestown, PA 18901Post Office Address: same as aboveCitizenship: United StatesDate: 7-18-01Full Name: CARMEN DIMARIOSignature: Carmen DiMarioResidence: 1851 Huntsman Lane
West Chester, PA 19382Post Office Address: same as aboveCitizenship: United StatesDate: 7/18/01

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Express Mail No.: EF 3499724554 S

Date: 7-27-01

By: Greg B...

ASSENT OF ASSIGNEE UNDER 37 CFR §1.173(a)

Sir:

1. Pursuant to 37 CFR §3.73, I certify that Pendulum Corporation is the assignee of the entire right, title and interest in the above-identified original patent, by virtue of the assignment of rights from the inventor as set forth in the assignment recorded on December 7, 1998 at Reel/Frame 9629/0903.

2. I have reviewed the assignment and, to the best of my knowledge and belief, the Assignee retains title to the above-identified original patent.

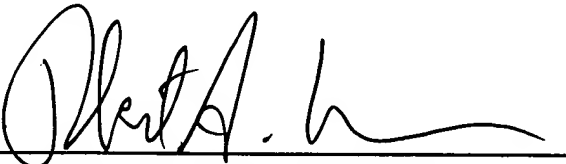
3. I am authorized to act on behalf of the below-identified Assignee.

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4. The Assignee hereby assents to the accompanying application to reissue the above-identified patent.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Assignee: Pendulum Corporation
Person Signing for Assignee: Robert A. Vito

Signature: 
Title: President, Pendulum Corporation
Date: 7-18-01

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